

# Exhibit A



Deposition of:  
**James Heatherly**

*November 1, 2021*

In the Matter of:  
**Grower\_In re Broiler Chicken Grower  
Antitrust Liti**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

MDL No. 6:20-2977-RJS-CMR

IN RE: BROILER CHICKEN      Hon. Chief Judge Robert J.  
GROWER ANTITRUST          Shelby  
LITIGATION (NO. II)

Hon. Cecilia M. Romer

~~~~~

REMOTE VIDEO DEPOSITION OF

JAMES FREDDIE HEATHERLY

HIGHLY CONFIDENTIAL

November 1, 2021

10:31 a.m. CDT

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Guntersville, Alabama

S. Julie Friedman, CCR-B-1476

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1 Q. Okay. Have you received a subpoena to 11:36:28  
2 testify in a criminal trial? 11:36:32

3 A. No. 11:36:41

4 Q. No. Okay. What did you do to prepare for 11:36:41  
5 your deposition today? 11:36:44

6 And, again, when you answer that question, 11:36:45  
7 I don't want you to tell me what you said to your 11:36:47  
8 lawyer. I just want you to tell me what you did 11:36:49  
9 generally to prepare for your deposition today. 11:36:52

10 MR. HARRIS: Answer.

11 THE WITNESS: I talked to my attorney. 11:36:55

12 Q. (By Mr. Bates) How many times? 11:36:56

13 A. Three or four, I suppose. 11:37:00

14 Q. Okay. And when you say your attorney, you 11:37:02  
15 mean Mr. Harris? 11:37:04

16 A. Yes. 11:37:05

17 Q. Okay. Are you represented by anybody else 11:37:05  
18 other than Mr. Harris? 11:37:07

19 MR. HARRIS: Answer that question.

20 THE WITNESS: No. I have spoken to Chris 11:37:15  
21 Abbott a time or two. 11:37:17

22 Q. (By Mr. Bates) All right. I want to talk 11:37:19  
23 about that. But just to be clear, Mr. Abbott's not 11:37:19  
24 your lawyer, correct? 11:37:23

25 MR. HARRIS: No.

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1 THE WITNESS: Correct. 11:37:24

2 Q. (By Mr. Bates) Okay. Mr. Harris is your 11:37:25  
3 only lawyer as it concerns this case; is that 11:37:27  
4 correct? 11:37:27

5 A. Yes. 11:37:30

6 Q. Okay. All right. Let's talk about the 11:37:30  
7 times that you met with your lawyer. You said three 11:37:33  
8 or four times; is that correct? 11:37:36

9 A. Yes. 11:37:39

10 Q. When did those conversations take place? 11:37:39

11 A. I don't remember the date, but when I -- I 11:37:43  
12 got -- received a subpoena. 11:37:47

13 Q. Okay. So that was one time. What about 11:37:50  
14 the other two? 11:37:53

15 A. Well, I spoke to him a few times after 11:37:55  
16 that. 11:37:59

17 Q. Okay. When was the last time you spoke to 11:38:00  
18 him? 11:38:01

19 A. Last Friday about this -- this and what 11:38:02  
20 time for sure it was. 11:38:09

21 Q. Okay. How long did that meeting last, do 11:38:10  
22 you think? 11:38:14

23 A. It was over the phone. About five 11:38:14  
24 minutes. 11:38:16

25 Q. Okay. Were any of your meetings with Mr. 11:38:16

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|    |                                                       |          |
|----|-------------------------------------------------------|----------|
| 1  | Harris about this case longer than five minutes?      | 11:38:20 |
| 2  | A. We -- Most of our conversations have been          | 11:38:29 |
| 3  | over the phone, and they were short.                  | 11:38:31 |
| 4  | Q. Okay. Did you ever meet with Mr. Harris            | 11:38:36 |
| 5  | in person about this case?                            | 11:38:38 |
| 6  | A. Yes.                                               | 11:38:40 |
| 7  | Q. How many times?                                    | 11:38:40 |
| 8  | A. Two or three times.                                | 11:38:42 |
| 9  | Q. And how long did those meetings last?              | 11:38:44 |
| 10 | A. 10 or 15 minutes, I would say. I don't             | 11:38:46 |
| 11 | remember.                                             | 11:38:50 |
| 12 | Q. Okay. And when was the last time you had           | 11:38:50 |
| 13 | an in-person meeting with Mr. Harris about this case? | 11:38:52 |
| 14 | A. Week before last.                                  | 11:38:57 |
| 15 | Q. Okay. You remember the date?                       | 11:39:03 |
| 16 | A. I don't.                                           | 11:39:06 |
| 17 | Q. All right. How long did that meeting               | 11:39:08 |
| 18 | last, if you know?                                    | 11:39:09 |
| 19 | MR. HARRIS: If you know.                              | 11:39:13 |
| 20 | THE WITNESS: I don't -- about a -- About              | 11:39:13 |
| 21 | an hour, I'll say.                                    | 11:39:14 |
| 22 | Q. (By Mr. Bates) About an hour. Okay. So             | 11:39:20 |
| 23 | longer than the rest of your other meetings; is that  | 11:39:20 |
| 24 | correct?                                              | 11:39:23 |
| 25 | A. Yes.                                               | 11:39:23 |



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1 Q. Okay. Was anybody else at that meeting 11:39:23  
2 besides you and Mr. Harris? 11:39:26

3 A. At the meeting, no. 11:39:27

4 Q. Was anybody on the phone? 11:39:28

5 A. Yes. 11:39:30

6 Q. Who was it? 11:39:32

7 A. Chris Abbott. 11:39:33

8 Q. All right. What did you and Mr. Abbott 11:39:34  
9 and Mr. Harris discuss at this meeting a week before 11:39:41  
10 last that lasted about an hour? 11:39:45

11 MR. ABBOTT: I'm going to interject here 11:39:48  
12 and object and instruct the witness not to 11:39:50  
13 answer. 11:39:52

14 MR. BATES: All right. Well --

15 MR. ABBOTT: I was --

16 MR. BATES: -- you don't represent the 11:39:55  
17 witness, Mr. Abbott. But what's the basis of 11:39:56  
18 your objection? 11:39:57

19 MR. ABBOTT: The basis is that I represent 11:40:00  
20 Pilgrim's Pride, and I'm entitled to have a 11:40:03  
21 privileged conversation with a former employee 11:40:09  
22 about his time at the company. 11:40:11

23 MR. BATES: Well --

24 MR. ABBOTT: So --

25 MR. BATES: -- I don't think -- I don't

1 think I agree.

2 Mr. Harris, are you instructing your 11:40:12

3 client not to answer the question? 11:40:15

4 MR. HARRIS: Instructing him not to 11:40:17

5 answer. 11:40:17

6 Q. (By Mr. Bates) Okay. Mr. Heatherly, Mr. 11:40:19

7 Abbott is a lawyer for Pilgrim's Pride; is that 11:40:21

8 correct? 11:40:25

9 A. Yes. 11:40:25

10 Q. All right. And you don't work for 11:40:26

11 Pilgrim's Pride, do you? 11:40:28

12 Is that correct?

13 A. What was the question? 11:40:32

14 Q. You don't work for Pilgrim's Pride, do 11:40:33

15 you? 11:40:36

16 A. I don't. 11:40:36

17 MR. ABBOTT: Object to form. 11:40:39

18 Q. (By Mr. Bates) All right. How long ago 11:40:40

19 did you stop working for Pilgrim's Pride? 11:40:41

20 A. 2015. 11:40:44

21 Q. Okay. So you haven't worked for Pilgrim's 11:40:46

22 Pride in over six years; is that correct? 11:40:49

23 A. That's correct. 11:40:55

24 Q. All right. And you're not a defendant in 11:40:55

25 this case, are you? 11:40:56

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1 outcome of this case? 11:41:43

2 A. I hope not. 11:41:44

3 Q. Me, too. 11:41:45

4 So is it fair to say that you don't have 11:41:47

5 any legal interest in the outcome of this case -- 11:41:50

6 MR. ABBOTT: Object to the form. 11:41:54

7 Q. (By Mr. Bates) -- Mr. Heatherly? 11:42:00

8 MR. HARRIS: Answer the best you can,

9 Fred.

10 THE WITNESS: Say -- The question, say it 11:42:10

11 again. 11:42:12

12 Q. (By Mr. Bates) Just want to ask again. 11:42:12

13 You don't have any legal interest in the outcome of 11:42:12

14 this case, do you? 11:42:15

15 A. I do not. 11:42:15

16 Q. Okay. And so all right. You had one 11:42:19

17 conversation with Mr. Abbott and Mr. Harris. It 11:42:25

18 lasted about an hour two weeks ago; is that correct? 11:42:32

19 A. Yes. 11:42:35

20 Q. All right. Did you review any documents 11:42:35

21 during that meeting? 11:42:41

22 MR. HARRIS: Asking --

23 THE WITNESS: Do what? 11:42:45

24 MR. HARRIS: He's asking you if you 11:42:46

25 reviewed any documents. 11:42:47

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1 THE WITNESS: I have seen documents. 11:42:50

2 Q. (By Mr. Bates) Okay. Did you review any 11:42:53  
3 documents during the meeting with Mr. Abbott and Mr. 11:42:54  
4 Harris? 11:42:59

5 A. Yes. 11:42:59

6 Q. Which documents did you review? 11:43:00

7 MR. ABBOTT: I object to this. I'm going 11:43:04  
8 to object; and, again, object on the grounds of 11:43:05  
9 privilege and attorney work product; and I 11:43:07  
10 instruct the witness not to answer. 11:43:10

11 MR. BATES: Mr. Harris, are you 11:43:14  
12 instructing your client not to answer? 11:43:15

13 MR. HARRIS: Yes. I am. 11:43:18

14 MR. BATES: All right. We'll mark this 11:43:21  
15 for a ruling. 11:43:22

16 Q. (By Mr. Bates) All right. Mr. Heatherly, 11:43:23  
17 we're going to move on. 11:43:25

18 Did you review any documents in 11:43:27  
19 preparation for your deposition other than during the 11:43:29  
20 meeting with Mr. Abbott and Mr. Harris? 11:43:31

21 A. No. 11:43:34

22 Q. The only documents you ever looked at to 11:43:34  
23 get ready for your deposition are the ones you looked 11:43:36  
24 at during the meeting two weeks ago with Mr. Abbott 11:43:40  
25 and Mr. Harris? 11:43:43

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1 A. Yes. 11:43:44

2 Q. Okay. Mr. Heatherly, did -- Strike that. 11:43:48

3 All right. Mr. Heatherly, I'm going to go 11:44:00

4 over some -- some definitions before we get into the 11:44:02

5 examination. 11:44:05

6 So if I use the word "Pilgrim's" today, do 11:44:06

7 you understand that I'm referring to Pilgrim's Pride, 11:44:10

8 your former employer? 11:44:15

9 A. Yes. 11:44:16

10 Q. Okay. And if I use the word "defendants," 11:44:16

11 I mean Pilgrim's Pride and the other defendants in 11:44:19

12 this case, which are Tyson, Perdue, Sanderson, and 11:44:23

13 Koch. 11:44:27

14 Do you understand that? 11:44:28

15 A. Yes. 11:44:29

16 Q. Okay. And there are also certain 11:44:29

17 coconspirators in the case that are not defendants; 11:44:32

18 and these are Amick Farms, Case Farms, Claxton 11:44:35

19 Poultry, Fieldale, Foster Farms, George's, Harrison, 11:44:40

20 House of Raeford, Keystone Foods, Mar-Jac, Marshal 11:44:45

21 Durbin, Mountaire, OK Foods, Peco, Simmons, and 11:44:52

22 Wayne. 11:44:57

23 Have you heard of all those companies 11:44:57

24 before? 11:44:58

25 A. I've heard of those companies. 11:44:59

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|   |                            |          |
|---|----------------------------|----------|
| 1 | A. January '06 to present? | 11:47:12 |
|---|----------------------------|----------|

|   |             |          |
|---|-------------|----------|
| 2 | Q. Correct. | 11:47:15 |
|---|-------------|----------|

3 | A. Yes. 11:47:15

4 Q. If we talk about a specific time in there, 11:47:17

5 | I'll -- I'll give you that. Okay? 11:47:18

|   |          |          |
|---|----------|----------|
| 6 | A. Okay. | 11:47:19 |
|---|----------|----------|

7 Q. All right. Can you give me a brief sketch 11:47:20

8 of your educational history starting with high 11:47:22

|   |         |          |
|---|---------|----------|
| 9 | school. | 11:47:30 |
|---|---------|----------|

|    |                                   |          |
|----|-----------------------------------|----------|
| 10 | A. I have three years of college. | 11:47:30 |
|----|-----------------------------------|----------|

|    |                                       |          |
|----|---------------------------------------|----------|
| 11 | Q. Okay. Where did you go to college? | 11:47:33 |
|----|---------------------------------------|----------|

12 A. At a junior college down in South Alabama, 11:47:35

13 Southern Union; and then I went another year at St. 11:47:41

|    |                                    |          |
|----|------------------------------------|----------|
| 14 | Bernard College over in Cullman -- | 11:47:48 |
|----|------------------------------------|----------|

15 Q. Okay. So --

|    |             |          |
|----|-------------|----------|
| 16 | A. -- in -- | 11:47:49 |
|----|-------------|----------|

17 Q. I'm sorry. Go ahead, Mr. Heatherly. 11:47:49

|    |                         |          |
|----|-------------------------|----------|
| 18 | A. -- Cullman, Alabama. | 11:47:51 |
|----|-------------------------|----------|

|    |                                           |          |
|----|-------------------------------------------|----------|
| 19 | O. Okay. So you did two years at Southern | 11:47:54 |
|----|-------------------------------------------|----------|

20 Union, and then one year at St. Vernon (sic) College 11:47:56

21 over in Cullman; is that correct? 11:47:59

|    |         |          |
|----|---------|----------|
| 22 | A. Yes. | 11:48:01 |
|----|---------|----------|

|    |                                            |          |
|----|--------------------------------------------|----------|
| 23 | Q. Okay. And you didn't earn a degree from | 11:48:01 |
|----|--------------------------------------------|----------|

24 either school; is that correct? 11:48:03

|    |                                        |          |
|----|----------------------------------------|----------|
| 25 | A. Well, it was a two-year degree from | 11:48:10 |
|----|----------------------------------------|----------|

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1 Southern Union; but not a degree from St. Bernard. 11:48:14

2 Q. Okay. And what was your two-year degree  
3 from Southern Union in? 11:48:20

4 A. It was just liberal arts. 11:48:20

5 Q. Okay. What did you study in Cullman? 11:48:22

6 A. Business. 11:48:25

7 Q. Okay. And that was just for one year,  
8 correct? 11:48:26

9 A. Yes. 11:48:28

10 Q. Okay. Any other degrees, professional  
11 certificates, anything like that? 11:48:28  
11:48:32

12 A. No. 11:48:35

13 Q. Okay. Can you briefly describe your work  
14 history for me. 11:48:38  
11:48:44

15 A. From the start or in that time period 11:48:45  
16 you're talking about, '06 to -- or '06 to now -- till 11:48:47  
17 '15? 11:48:51

18 Q. From the start. 11:48:54

19 Well -- Well, let me go back. When did 11:48:55  
20 you graduate from the university in Cullman? 11:48:56

21 A. In 1963, I graduated from junior college. 11:49:00  
22 I went in the Air Force for four years; and then I 11:49:07  
23 went to St. Bernard part-time for about another 11:49:12  
24 year's worth after I got out of the Air Force in 11:49:16  
25 1967. 11:49:18

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1 all as a live production manager? 11:55:07

2 A. No. 11:55:09

3 Q. Okay. And how long were you a live 11:55:09

4 production manager with Tyson? 11:55:12

5 A. From -- That was in '86 until '0 -- end 11:55:15

6 of '06. 11:55:22

7 Q. All right. Did your job duties change at 11:55:27

8 all in that almost 20-year period? 11:55:29

9 A. Not a lot as far as the job. 11:55:32

10 But in '91, I transferred with Tyson to 11:55:34

11 Northwest Arkansas and stayed there until '01. 11:55:39

12 In '01, I transferred back here with Tyson 11:55:43

13 until '0 -- end of '06. I left Tyson after 28 years 11:55:47

14 and went to Pilgrim. 11:55:52

15 Q. Okay. Were you involved in grower pay at 11:55:55

16 all during any of your time at Tyson? 11:55:58

17 A. No. Not really. 11:56:03

18 Q. Okay. Tell me in what small way you were, 11:56:05

19 'cause you said not really. 11:56:11

20 A. Well, I -- I would -- It was above my pay 11:56:13

21 grade to set grower pay. 11:56:16

22 Q. I see. Did you ever talk about grower pay 11:56:18

23 with anybody at Tyson? 11:56:21

24 A. Well, sometimes you would think the 11:56:23

25 growers probably need an increase; and you would -- 11:56:30



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1 A. Yes. 11:58:58

2 Q. Did you ever talk to any other companies 11:59:00

3 in the poultry business about grower pay when you 11:59:01

4 were at Tyson? 11:59:05

5 A. No. 11:59:06

6 Q. Never? 11:59:06

7 A. No. I did not. 11:59:08

8 Q. Okay. All right. So in 2006, you went to 11:59:10

9 Pilgrim's; is that correct? 11:59:16

10 A. I -- I changed to Pilgrim in two, oh, 11:59:18

11 six. 11:59:22

12 Q. I see. And what was your job title at 11:59:22

13 Pilgrim's in 2006? 11:59:24

14 A. Live production manager. 11:59:26

15 Q. Okay. So the same as the job that you 11:59:27

16 were doing at Tyson; is that correct? 11:59:30

17 A. Yes. 11:59:32

18 Q. Okay. And did you relocate, or you were 11:59:32

19 still in Alabama in 2006? 11:59:36

20 A. Oh, I lived -- Oh, I lived here. 11:59:39

21 Q. Okay. Did your job duties change at all 11:59:40

22 at Pilgrim's as a live production manager, or were 11:59:45

23 you doing the same job you were doing at Tyson? 11:59:48

24 MR. ABBOTT: Object to the form.

25 THE WITNESS: It's the same job except the 11:59:53

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1 role in running the feed mill was. 12:00:51

2 A. I did not. I was not involved in 12:00:54

3 ingredients or a feed formulation. We had the Ph.D. 12:00:57

4 nutritionist that did that. We had grain buyers that 12:01:02

5 bought the grain. 12:01:06

6 All I did or -- or my part of that was 12:01:07

7 making sure we ran the feed mill efficiently, that we 12:01:11

8 kept the birds fed, that we didn't have broiler farms 12:01:14

9 or any farms running out of feed. And, you know, 12:01:19

10 it's the day-to-day operation, things at the feed 12:01:23

11 mill. Not -- Not involved in grain buying or 12:01:28

12 formulation. 12:01:30

13 Q. I see. And were -- How long were you a 12:01:34

14 live production manager at Pilgrim's? 12:01:38

15 A. At Pilgrim? 12:01:43

16 Q. Yes.

17 A. From the end of '06 till July '15. 12:01:46

18 Q. And is that when you retired? 12:01:51

19 A. Yes. 12:01:53

20 Q. Okay. So your entire employment at 12:01:53

21 Pilgrim's, you were a live production manager; is 12:01:56

22 that correct?

23 A. Correct.

24 Q. Did your job duties change at all during 12:02:01

25 that nine-year period? 12:02:03

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1 record, the time is 11:37. 12:37:38

2 (Recess from 11:37 a.m. to 11:49 a.m.) 12:37:43

3 THE VIDEOGRAPHER: We are back on the 12:49:00

4 video record. This begins Media Volume No. 2. 12:49:06

5 The time is 11:49. 12:49:11

6 Q. (By Mr. Bates) All right. Mr. Heatherly, 12:49:14

7 we're back on the record. Are you ready to continue? 12:49:16

8 A. I'm ready. 12:49:19

9 Q. Great. Before we get back into my 12:49:20

10 questioning, I have some preliminaries I want to go 12:49:22

11 back over with you. 12:49:24

12 Are you taking any medication today, any 12:49:26

13 narcotics or pain killers that would interfere with 12:49:29

14 your ability to give testimony today? 12:49:33

15 A. No. 12:49:35

16 Q. Okay. And we spoke earlier today about a 12:49:36

17 conversation you had with Mr. Abbott and Mr. Harris, 12:49:41

18 do you recall that? 12:49:45

19 A. Yes. 12:49:47

20 Q. Have you had any other conversations with 12:49:49

21 Mr. Abbott other than that one which I think you said 12:49:50

22 was two weeks ago and lasted about an hour? 12:49:55

23 A. No. 12:49:59

24 Q. The only time you've ever spoken to Chris 12:49:59

25 Abbott was once two weeks ago during the meeting with 12:50:03

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1 Mr. Harris; is that correct? 12:50:06

2 A. He called me on -- before I knew anything 12:50:07  
3 about any of this and asked me if I would volunteer 12:50:10  
4 to a deposition. 12:50:15

5 And I told him I'd rather not get 12:50:18  
6 involved. 12:50:22

7 And he told me he couldn't discuss the 12:50:23  
8 case, that I would probably be getting a subpoena 12:50:26  
9 from the other side, which I did. 12:50:29

10 Q. I see. And how long ago was that 12:50:31  
11 conversation? 12:50:34

12 A. I don't remember exactly. I'd say a 12:50:34  
13 couple months. 12:50:36

14 Q. Okay. And you mentioned that you -- you 12:50:39  
15 didn't want to get involved; is that correct? 12:50:44

16 A. Correct. 12:50:47

17 Q. Why not? 12:50:48

18 A. Because I'm retired, and I don't really 12:50:48  
19 have a dog in this hunt. 12:50:50

20 Q. Fair enough. Mr. Heatherly, did you speak 12:50:52  
21 to your lawyer, Mr. Harris, during the break we just 12:51:00  
22 took? 12:51:03

23 A. We spoke. 12:51:05

24 Q. That's what I'm asking. 12:51:07

25 A. We did speak. 12:51:09

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1 MR. BATES: Is ten minutes okay? 13:53:13

2 MR. ABBOTT: Yeah. That's fine. Thanks.

3 MR. BATES: Okay. 13:53:16

4 THE VIDEOGRAPHER/TECH: Going off the 13:53:16

5 video record, the time is 12:53. 13:53:18

6 (Recess from 12:53 p.m. to 1:02 p.m.) 13:53:22

7 THE VIDEOGRAPHER/TECH: We are back on the 14:02:36

8 video record. This begins Media Volume No. 3. 14:02:47

9 The time is 1:02. 14:02:51

10 Q. (By Mr. Bates) All right. Mr. Heatherly, 14:02:54

11 we are back on the record. Are you ready to 14:02:57

12 continue? 14:02:59

13 A. I'm ready. 14:03:00

14 Q. All right. Did you speak to Mr. Harris 14:03:01

15 during the break? 14:03:04

16 A. Yes. 14:03:05

17 Q. Did you speak to Mr. Abbott during the 14:03:06

18 break? 14:03:08

19 A. No. 14:03:08

20 Q. Did you speak to anyone other than Mr. 14:03:09

21 Harris during the break? 14:03:11

22 A. No. 14:03:12

23 Q. All right. And, Mr. Heatherly, I know we 14:03:12

24 talked about your deposition preparation; and you 14:03:20

25 testified that you only spoke once with Mr. Abbott 14:03:22

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1 two weeks ago. 14:03:25

2 Have you spoken to any other lawyers from 14:03:28

3 Mr. Abbott's firm in preparation for your deposition? 14:03:30

4 A. No. 14:03:37

5 Q. Okay. All right. I want to show you a 14:03:38

6 document. It's going to be Exhibit 123 to your 14:03:39

7 deposition. 14:03:45

8 MR. BATES: It's going to be Tab 36, 14:03:49

9 Keith. 14:03:52

10 (Plaintiff's Exhibit 123 was marked for  
11 identification.) 14:04:11

12 Q. (By Mr. Bates) All right. Mr. Heatherly, 14:04:11

13 this is Exhibit 123, and it's Bates-numbered 14:04:15

14 PPC-GROWERS-001449133. 14:04:19

15 Do you see that? 14:04:22

16 A. Yes. 14:04:24

17 Q. Okay. This is an e-mail from Chris 14:04:24

18 Carter, to you and Mr. Lacy, dated November 6, 2012. 14:04:28

19 Do you see that? 14:04:35

20 A. Yes. 14:04:35

21 Q. And the subject in the attachment is, 14:04:36

22 "October AS presentation Gunt 3..." 14:04:39

23 Do you see that? 14:04:44

24 A. Yes. 14:04:45

25 Q. Do you know what that presentation is? Do 14:04:45

1 THE VIDEOGRAPHER/TECH: We are back on the 16:53:45

2 video record. This begins Media Volume No. 5. 16:53:52

3 The time is 3:53. 16:53:56

4 Q. (By Mr. Bates) All right. Mr. Heatherly, 16:54:00

5 did you speak to your attorney, Mr. Harris, during 16:54:03

6 the break? 16:54:05

7 A. Yes. 16:54:05

8 Q. Did you speak to Mr. Abbott during the 16:54:05

9 break? 16:54:07

10 A. No. 16:54:07

11 Q. Did you speak to anyone other than Mr. 16:54:08

12 Harris during the break? 16:54:10

13 A. No. 16:54:11

14 MR. BATES: Okay. Mr. Heatherly, I have 16:54:13

15 no further questions. 16:54:15

16 I am going to hold your deposition open, 16:54:16

17 pending the resolution of the attorney-client 16:54:19

18 privilege issue that Mr. Abbott raised at the 16:54:23

19 beginning; so we're going to await the Court's 16:54:26

20 resolution on that. 16:54:30

21 I also want to instruct you that the 16:54:30

22 conversation you had with Mr. Abbott two weeks 16:54:33

23 ago may be discoverable, depending on the 16:54:37

24 outcome of that ruling; and so if you need to 16:54:39

25 memorialize that conversation so that you don't 16:54:43

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 235 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 3rd day of November, 2021.

A handwritten signature in cursive script that reads "S. Julie Friedman".

S. JULIE FRIEDMAN, CCR-B-1476